



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Brett Valach, Quality Manager
Ardagh Metal Beverage USA Inc.
1101 West 43rd Street
Chicago, Illinois 60609

Re: Notice and Finding of Violation
Ardagh Metal Beverage USA Inc.
Chicago, Illinois

Dear Brett Valach:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Ardagh Metal Beverage USA Inc. (Ardagh or you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). We find that you are violating Section 502 of the Clean Air Act (CAA), 42 U.S.C. § 7661 and the Illinois State Implementation Plan at your facility located at 1101 West 43rd Street, Chicago, Illinois (the facility).

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Emma Leeds. You may contact her at leeds.emma@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Nathan Frank
Supervisor, Air Enforcement and Compliance Assurance Section (IL/IN)

cc: Kent Mohr, Manager
Compliance Section
Bureau of Air
Illinois Environmental Protection Agency
Kent.Mohr@Illinois.gov

IEPA Construction Permit Requirements

6. Under 40 C.F.R. § 52.23, any permit limitation or condition contained within a permit issued under an EPA-approved program that is incorporated into a State Implementation Plan (SIP) is federally enforceable under CAA Section 113, 42 U.S.C. § 7413.
7. EPA approved 35 Ill. Admin. Code Part 201, "Permits and General Conditions," as part of the federally enforceable SIP for the State of Illinois on May 31, 1972. 37 Fed. Reg. 10862. Since then, EPA has approved several revisions of 35 Ill. Admin. Code Part 201 into the federally enforceable SIP.

Factual Background on Ardagh's Facility

8. Ardagh owns and operates a beverage can manufacturing and coating facility at 1101 West 43rd Street, Chicago, Illinois (the facility).
9. Ardagh owns and operates three primary printing and coating lines, known as Printing/Coating Line #1, Printing/Coating Line #2, and Printing/Coating Line #3 (Line 1, Line 2, Line 3). Each line emits particulate matter (PM), sulfur dioxide (SO₂), volatile organic compounds (VOCs), hazardous air pollutants (HAPs), and nitrogen oxides (NO_x).
10. Lines 1, 2, and 3 each include, among other processes, a Printer Pin Oven and Inside Bake Oven (IBO).
11. Emissions from the IBOs of Lines 1, 2, and 3, as well as emissions from the Printer Pin Oven in Line 3, are controlled by Thermal Oxidizer CD 01 (RTO-1).
12. Section 4.1.2(f)(i)(C) of the 2019 CAAPP Permit requires Ardagh to calibrate, operate, and maintain instrumentation to measure the negative pressure in the ductwork of Printing/Coating Lines 1 and 2 leading to RTO-1 at a level consistent with or above the level measured during the last required test. Before testing is required, the negative pressure is to be maintained at a level that reflects good air pollution control practice. These conditions are pursuant to Construction Permit #19030026, issued April 18, 2019.
13. Section 4.1.2(e)(ii)(G) of the 2019 CAAPP Permit requires Ardagh to comply with the monitoring requirements of the Compliance and Assurance Monitoring (CAM) Plan.
14. Table 7.4.1 of the 2019 CAAPP Permit outlines the CAM Plan for the processes in Lines 1, 2, and 3 controlled by RTO-1. The CAM Plan states that duct differential pressure must be monitored by magnehelic gauges, and that the reading must be "less than zero or negative pressure" in order to provide a reasonable assurance of compliance. Gauge monitoring is required to be performed once per day, and excursions or exceedances of the limit in the CAM Plan for duct pressure are determined based on review of the daily log.
15. Ardagh operates and monitors magnehelic pressure gauges in the ducts for the Lines 1 and 2 IBOs, but does not have gauges for the Line 3 IBO or the Line 3 Printer Pin Oven.

16. EPA conducted a virtual CAA inspection of the facility on April 29, 2021, followed by an on-site CAA inspection of the facility on April 30, 2021 (collectively, the April 2021 inspections).
17. Upon completion of the April 29, 2021 virtual inspection and prior to the April 30, 2021 on-site inspection, Ardagh provided EPA with their most recent stack test for capture efficiency of RTO-1, labeled “Doc 3 Oxidizer Compliance Source Testing FINAL Report No. 023AS-600489-RT-334 from Montrose Dated 1-13-2020” (2019 RTO Stack Test Report).
18. During the April 2021 inspections, EPA requested multiple records from Ardagh, including the previous twelve months of daily pressure readings from the magnehelic gauges on the Lines 1 and 2 IBOs.
19. EPA conducted an on-site CAA inspection of the facility on August 6, 2021 (the August 2021 inspection). Because Ardagh had not yet produced them, EPA again requested daily pressure readings from the previous twelve months of magnehelic gauges on Lines 1 and 2.
20. On August 9, 2021, Ardagh made available to EPA, in a spreadsheet titled “IBO Exhaust Stack Historical”, the twelve months of records of daily pressure readings on the Lines 1 and 2 IBOs (IBO Pressure Data).
21. According to the records of daily pressure readings on the Lines 1 and 2 IBOs that Ardagh made available to EPA, the exhaust on the Line 1 IBO had the following magnehelic gauge readings on the following 19 dates:

Table 1

Date	Line #1 Magnehelic Gauge Reading (inches of water column)
6/9/2020	0.00
6/10/2020	0.19
6/11/2020	0.53
6/12/2020	0.58
6/13/2020	0.59
6/14/2020	0.62
6/14/2021	0.00
6/15/2021	0.00
6/16/2021	0.00
6/17/2021	0.00
6/18/2021	0.00
6/19/2021	0.00
6/20/2021	0.00
6/21/2021	0.00
6/22/2021	0.00

6/23/2021	0.00
6/26/2021	0.00
6/27/2021	0.00
6/28/2021	0.00

22. According to the records of daily pressure readings on the Lines 1 and 2 IBOs that Ardagh made available to EPA, the exhaust on the Line 2 IBO had the following magnehelic gauge readings on the following 30 dates:

Table 2

Date	Line #2 Magnehelic Gauge Reading (inches of water column)
6/11/2020	0.50
6/12/2020	0.50
6/14/2020	0.50
8/11/2020	0.00
8/12/2020	0.00
8/13/2020	0.00
8/14/2020	0.00
8/15/2020	0.00
8/16/2020	0.00
8/17/2020	0.00
8/18/2020	0.00
8/19/2020	0.00
8/21/2020	0.00
8/22/2020	0.00
8/23/2020	0.00
8/30/2020	0.00
9/7/2020	0.00
6/14/2021	0.00
6/15/2021	0.00
6/16/2021	0.00
6/17/2021	0.00
6/18/2021	0.00
6/19/2021	0.00
6/20/2021	0.00
6/21/2021	0.00
6/22/2021	0.00
6/23/2021	0.00
6/26/2021	0.00
6/27/2021	0.00
6/28/2021	0.00

23. As indicated in the IBO Pressure Data provided by Ardagh, from June 9, 2020 to June 14, 2020 on Line 1, and on June 11, 12, and 14, 2020 on Line 2, the non-negative pressures were caused by the previously unestablished condition of running Lines 1 and 2 but not Line 3 to RTO-1.
24. In the 2019 RTO Stack Test Report, pressure in the ducts for Lines 1, 2, or 3 is not recorded. During the August 2021 inspection, Ardagh explained that contractors were largely responsible for determining the stack test parameters and recorded values.

Violations

25. By failing to establish the pressure in the ducts of the Lines 1 and 2 IBOs during the last required stack test (reported in the 2019 RTO Stack Test Report) and thus failing to operate the lines at a negative pressure in the ductwork at a level consistent with or above the level measured during said stack test, Ardagh violated Section 4.1.2(f)(i)(C) of the 2019 CAAPP Permit and Construction Permit #19030026.
26. By operating the ductwork on the Line 1 IBO above negative differential pressure, i.e. at an amount equal to or greater than zero, on 19 separate days starting June 9, 2020, Ardagh violated Section 4.1.2(e)(ii)(G) and the CAM Plan in Table 7.4.1 in the 2019 CAAPP Permit.
27. By operating the ductwork on the Line 2 IBO above negative differential pressure, i.e. at an amount equal to or greater than zero, on 30 separate days starting June 11, 2020, Ardagh violated Section 4.1.2(e)(ii)(G) and the CAM Plan in Table 7.4.1 in the 2019 CAAPP Permit.
28. By not monitoring duct differential pressure for the Line 3 IBO and the Line 3 Pin Oven, Ardagh violated Section 4.1.2(e)(ii)(G) and the CAM Plan in Table 7.4.1 in the 2019 CAAPP Permit.

Environmental Impact of Violations

29. These violations have caused or can cause excess emissions of VOCs, which contribute to ground level ozone.
30. Breathing ozone contributes to a variety of health problems including chest pain, coughing, throat irritation, and congestion. It can worsen bronchitis, emphysema, and asthma. Ground-level ozone also can reduce lung function and inflame lung tissue. Repeated exposure may permanently scar lung tissue.
31. Ardagh is the second-largest source of VOCs in the city of Chicago.
32. The Chicago area is in non-attainment for the National Ambient Air Quality Standard for ozone.

33. Ardagh's surroundings in the Back of the Yards neighborhood of Chicago are above the 80th percentile for 11 out of 11 EPA Environmental Justice indices, including for ozone and respiratory hazard, indicating a substantially increased environmental burden on the surrounding community.

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division